

RESOLUTION _____, SERIES 2009

A RESOLUTION REQUESTING THE MAYOR OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AND THE GOVERNOR OF THE COMMONWEALTH OF KENTUCKY TO APPOINT A DELEGATION OF KENTUCKY RESIDENTS TO NEGOTIATE AN AGREEMENT WITH REPRESENTATIVES OF THE STATE OF INDIANA FOR THE CREATION OF A BI-STATE AUTHORITY FOR THE PURPOSE OF FINANCING, CONSTRUCTING, AND OPERATING THE PROPOSED OHIO RIVER BRIDGES PROJECT IN LOUISVILLE METRO, AND CLARK COUNTY, INDIANA; AND REQUESTING THE KENTUCKY PUBLIC TRANSPORTATION INFRASTRUCTURE AUTHORITY TO EVALUATE THE ESTABLISHMENT OF A PROJECT AUTHORITY FOR AN OHIO RIVER BRIDGE IN SOUTHWESTERN JEFFERSON COUNTY.

Sponsored by: Councilman Kevin Kramer, District 11; Councilman David Tandy, District 4, Councilwoman Barbara Shanklin, District 2, Councilwoman Mary Woolridge, District 3, Councilman George Unseld, District 6, Councilwoman Vicki Aubrey Welch, District 13, Councilman Bob Henderson, District 14, Councilman Kelly Downard, District 16, Councilman Hall Heiner, District 19, Councilman Stuart Benson, District 20, Councilman Glen Stuckel, District 17, Councilman James Peden, District 23, and Councilman Robin Engel, District 22

WHEREAS, over four decades of studies and community input have identified the need to improve transportation and mobility across the Ohio River between Louisville Metro in Kentucky and Clark County in southern Indiana, including reducing traffic congestion, improving traffic safety, improving cross-river transportation system linkage and freeway rerouting opportunities, and supporting existing and planned population and employment growth throughout the region; and

WHEREAS, after an exhaustive five-year, \$23 million federal study, including detailed analyses of environmental, community, and traffic impacts, and extensive public involvement, a regional and bi-state consensus was reached to build two new bridges across the Ohio River and to reconstruct the highway interchange known as Spaghetti Junction; and

WHEREAS, in September 2003, the Federal Highway Administration (“FHWA”), in cooperation with the Kentucky Transportation Cabinet (“KYTC”) and the Indiana Department of Transportation (“INDOT”), issued a Record of Decision approving the construction of the following project elements needed to improve cross-river mobility in the Louisville-Southern Indiana region:

(1) a new Ohio River bridge immediately upstream of the existing Kennedy Bridge, to provide an additional six lanes of traffic for the I-65 crossing adjacent to downtown Louisville, as well as improved and expanded approach roadways in Kentucky and Indiana;

(2) a new Ohio River bridge in the eastern portion of the Louisville Metropolitan Area, connecting I-265/KY 841 (Gene Snyder Freeway) in Kentucky with S.R. 265 (Lee Hamilton Highway) in Indiana; and

(3) a new Kennedy Interchange (aka Spaghetti Junction), where I-64, I-65, and I-71 intersect near downtown Louisville, to be relocated immediately to the south of the current location of the Kennedy Interchange (collectively known as the “Ohio River Bridges Project”); and

WHEREAS, the federal study determined that the Ohio River Bridges Project is the only option capable of providing the needed bridge capacity across the Ohio River and on connecting highways by 2025, and would provide reductions in vehicles hours of travel, vehicles hours of delay, and vehicle miles of travel throughout the Louisville metropolitan area; and

WHEREAS, Kentucky and Indiana have committed millions of dollars to the planning and design of the Ohio River Bridges Project, but have identified the need for new funding options that will provide additional funds for the Project, accelerate construction, save inflation costs, and realize the Project’s enormous public benefits sooner; and

WHEREAS, the Kentucky General Assembly has enacted Sections 75 through 98 of House Bill 3, enacted on June 24, 2009 and signed into law by the Governor on July 26, 2009 (hereinafter “House Bill 3”), to establish a structure for the construction, operation, financing, and oversight of significant transportation projects between the Commonwealth of Kentucky and the State of Indiana, such as the Ohio River Bridges Project, through the creation of the Kentucky Public Transportation Infrastructure Authority (the “State Authority”) and provisions for the establishment of bi-state authorities that would be responsible for financing, constructing, and operating projects mutually beneficial to both states; and

WHEREAS, the Louisville/Jefferson County Metro Government Council (the “Council”) is authorized, pursuant to Section 80, subsection 2(a) of House Bill 3, to request the Mayor of Louisville Metro and the Governor of the Commonwealth of Kentucky to appoint a group of Kentucky members to negotiate with a similar group from the State of Indiana for the purpose of proposing the creation of a bi-state authority to finance, construct, and operate the Ohio River Bridges Project; and

WHEREAS, the Council considers it necessary and proper to request the appointment of a delegation to negotiate the creation of a bi-state authority, in order to expedite the construction of the Ohio River Bridges Project and to secure the enormous transportation and economic benefits of the Ohio River Bridges Project for the citizens of Louisville Metro at the earliest possible time; and

WHEREAS, House Bill 3 terminated the statutory authority for the Louisville Metro Bridge Commission, which was authorized by the Metro Council to construct an Ohio River Bridge in southwester Jefferson County.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS FOLLOWS:

SECTION 1. Request for Appointment of Delegation. The Council hereby requests that the Mayor of the Louisville/Jefferson County Metro Government and the Governor of the Commonwealth of Kentucky appoint a group of Kentucky members to negotiate with a similar group from the State of Indiana for the purpose of proposing the creation of a bi-state authority composed of members from both states, recognized under the laws of both states, and existing for the purpose of financing, constructing, and operating the Ohio River Bridges Project.

SECTION 2. Pursuant to Section 80(3)(d) of House Bill 3, the Council hereby establishes terms of four [4] years for members appointed by the Mayor to the bi-state authority, and further provides that:

(a) two members shall be initially appointed for terms of one (1) year, two members shall be initially appointed for terms of two (2) years, and at the expiration of those terms, the Mayor shall make all appointments for terms of four (4) years; and

(b) members re-appointed shall be confirmed by the Council pursuant to the provisions of Section 80(3)(a) of HB 3; and

(c) the Mayor is requested to make his/her appointments in a manner so that at least one of the four members appointed by the Mayor shall at all times be a member of the Metro Council.

SECTION 3. Pursuant to the provisions of Section 81(2) of House Bill 3, the Kentucky Public Transportation Infrastructure Authority is requested to evaluate the establishment of a

project authority for the purpose of developing an Ohio River Bridge in Southwestern Jefferson County.

SECTION 4. Effective Date. This Resolution shall take effect upon its passage and approval.

Kathleen J. Herron
Metro Council Clerk

David W. Tandy
President of the Council

Jerry E. Abramson
Mayor

Approved: _____

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: _____
Assistant County Attorney

Bi-State Infrastructure Authority Resolution – 2 July 2009 – roc/wtw
Bi-State Infrastructure Authority Resolution – 2ND Draft – 7 July 2009 – roc/wtw
Bi-State Infrastructure Authority Resolution – 3rd Draft – 7 July 2009 – roc/wtw
Bi-State Infrastructure Authority Resolution – as filed – 13 July 2009 – roc/wtw